



Paper No. 3

KUDIRKA & JOBSE LLP
ONE STATE STREET
SUITE 1510
BOSTON MA 02109

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OFFICE OF PETITIONS

In re Application of
Tierney, et al.
Application No. 10/036,275
Filed: October 24, 2001
Attorney Docket No. G0008/7007

DECISION ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed August 11, 2003.

The petition is **GRANTED**.

Petitioner states that the instant application is the subject of a PCT international application filed on September 19, 2002. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the PCT application.

In view of the above, this application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 USC 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request and Notice of Foreign Filing, indicating a projected publication date of December 4, 2003 accompanies the decision.

The application is being forwarded to Technology Center 2100, Group Art Unit 2153, for examination.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.



Cliff Congo
Petitions Attorney
Office of Petitions

Enc: Notice Regarding Rescission of Nonpublication Request and
Notice of Foreign Filing (2 pages)